

REMARKS

Applicant thanks the Examiner for the detailed analysis and remarks. Applicant has amended the specification as noted by the Examiner. Claims 1-6 have been cancelled, claims 11-14, 20 and 21 withdrawn and claims 7-10 and 15,17-19 remain pending and under consideration.

Claims 7-10, 15, and 17-19 were rejected as being anticipated by Fukumizu (U.S. 5,267,320). Claim 7 requires the step of generating an actual response using an ideal model and a normalized second gain, determining an error signal and adjusting the system output based on the error signal. The Fukumizu system discloses only one value ($s(n)$, in Figure 2 of Fukumizu) that is utilized to drive the anti-noise generator (3). Claim 7 clearly requires a first gain and a second gain. As the Fukumizu system discloses only the one output it cannot anticipate the claimed method.

Further, the Examiner reads (C_j) as the claimed first gain of a physical path and ($C_{j\ n}$) as the second gain for a spectral shaping path. However, both C_j and $C_{j\ n}$ are transfer functions not gain values utilized to determine a system output value. Further, the C_j value is a value from the antinoise generator, and the $C_{j\ n}$ value is a value that includes a correction factor. In fact, referring to Figure 2 of Fukumizu references it is evident that the C_j value is updated in view of the correction value $C_{j\ n}$ produced by the correction device 9. These values are not the same as separate gain values that are combined to provide a desired output.

In addition, claim 7 requires the step of normalizing the second gain based on a system output value. The Examiner argues that the Fukumizu elements 5, 6 and 9 anticipate this feature. This is not the case. Element 6 is a position detector, that is utilized to determine a distance between a speaker and appoint where noise is to be cancelled. Further, element 9 is transfer correcting device that calculates a transfer function between the antinoise generator and the noise controllable point (Col 5, lines 35-45). Finally, element 5 is a coefficient renewing device that revises the output value based on the error signal. None of these elements normalize a second gain as is required by claim 7. Accordingly, for at least these reasons claim 7 cannot be anticipated by Fukumizu. Applicant requests withdrawal of this rejection.

Claim 15 recites a system including a physical path with a first gain and a spectral shaping path with an ideal model of the physical path and a second gain, with the generated sound generated by the ideal model and the second gain. As discussed above, the Fukumizu utilizes only one signal to produce the desired sound output. That one signal is than corrected and

adjusted based on an error signal. However, the Fukumizu device does not include an ideal model of the physical path, or a second gain used along with the ideal model to produce the actual response. Accordingly, the Fukumizu system cannot anticipate claim 15, and Applicant respectfully requests withdrawal of this rejection.

Applicant has added new claims 22 and 23. Claim 22 depends from claim 7 and claim 23 depends from claim 15. Claim 22 requires the step of reducing the normalized second gain in response to an increase in power of the generated actual response beyond a desired limit. Claim 23 requires a controller that reduces the second gain utilized to generate the actual response in response to an increase in power output of the sound generator beyond a desired power level. Fukumizu does not disclose or suggest this feature or step.

Accordingly, the claims are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/John M. Siragusa/

John M. Siragusa
Registration No. 46,176
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360
Facsimile: (248) 988-8363

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